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AMERICA INSURANCE COMPANY
(Erroneously sued as CLARENDON
AMERICAN INSURANCE COMPANY)

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

LEGACY PARTNERS, INC, a
Delaware corporation,

Plaintiff,

v.

CLARENDON AMERICAN
INSURANCE COMPANY, and
DOES 5 through 10,

Defendants.

CASE NO. CV0920-BTM-CAB

The Hon. Barry Ted Moskowitz

Action Filed: December 7, 2007

**NOTICE OF CLARENDON AMERICA
INSURANCE COMPANY'S MOTION
TO DISMISS UNDER FRCP RULE
12(b)(6)**

**NO APPEARANCE OR ORAL
ARGUMENT UNLESS REQUESTED BY
THE COURT**

**[Filed concurrently with Memorandum of
Points and Authorities]**

Date: July 18, 2008

Time: 11:00 a.m.

Room: 15

TO PLAINTIFF AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 18, 2008, at 11:00 a.m. in of the above-captioned court, or as soon thereafter as this matter may be heard, Defendant CLARENDON AMERICA INSURANCE COMPANY, will move and hereby moves this court for an order granting its motion to dismiss, under Federal Rules of Civil Procedure Rule 12(b)(6).

1 This motion is made pursuant to under Federal Rules of Civil Procedure Rule
2 12(b)(6), and on the grounds that Plaintiff's Complaint failed to state a cause of action
3 upon which relief can be granted.
4

5 This Motion is based upon this Notice, the attached Memorandum of Points and
6 Authorities, all pleadings and papers on file in this action, and upon such further oral
7 and documentary evidence as may be presented at the hearing of this motion.
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9 DATED: May 28, 2008

Respectfully submitted

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12 By: 

13 DALE B. GOLDFARB
14 KEVIN R. WARREN
15 Attorneys for Defendant,
16 CLARENDON AMERICA INSURANCE
17 COMPANY
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1055 West Seventh Street, 29th Floor, Los Angeles, California 90017-2547.

On May 28, 2008, I served the foregoing document described as **NOTICE OF CLARENDON AMERICA INSURANCE COMPANY'S MOTION TO DISMISS UNDER FRCP RULE 12(b)(6)** on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

Kirk A. Pasich, Esq.
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2049 Century Park East, Suite 700
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Attorneys for Plaintiff

BY MAIL AS FOLLOWS:

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on May 28, 2008, at Los Angeles, California.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.



ELIZABETH S. SOLIDUM